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April 4, 2016

VIA CERTIFIED MAIL:

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Derailment Services, LLC*

RE: Supplemental notice of intent to file suit under The Clean Water Act

Dear Sirs and Madams:

The undersigned represents Mr. and Mrs. David and Rita Grayson. The purpose of this letter is to inform Genesee & Wyoming Railroad Services, Inc. ("GRSI"), Alabama & Gulf Coast Railway, LLC ("AGR"), R.J. Corman Derailment Services, LLC ("R.J. Corman"), and Prewett Enterprises, Inc. d/b/a B&P Enterprises ("Prewett Enterprises") that David and Rita Grayson intend to file a citizen suit against these parties for violations of the Federal Clean Water Act ("CWA"). This letter fulfills the 60-day notice requirement pursuant to 33 U.S.C. § 1365(b)(1)(A).

The Clean Water Act provides that "the discharge of any pollutant by any person shall be unlawful." (33 U.S.C. § 1311(a)). The term "discharge of any pollutant" made unlawful by § 1311, is defined as "any addition of any pollutant to navigable waters from any point source, [and] any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source

other than a vessel or other floating craft.” (33 U.S.C. § 1362(12)). Any person who negligently violates § 1311 shall be punished by a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or by both. (33 U.S.C.A. § 1319 (c)(1)(B)). Any person who knowingly violates § 1311 shall be punished by a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or by both. (33 U.S.C.A. § 1319 (c)(2)(B)). In addition, any person that violates § 1311 shall be subject to a civil penalty not to exceed \$25,000 per day for each violation. (33 U.S.C.A. § 1319 (d)).

As you are aware, an estimated 350,000 gallons of crude oil were discharged onto Mr. and Mrs. Grayson’s property and into the waterways of Lubbub Creek on or about November 7, 2013, as a result of a freight train derailment and subsequent explosion that occurred near Aliceville, AL. The wetlands and the unnamed tributary that discharge into Lubbub Creek were and remain polluted due to the contaminants discharged as a result of the train derailment. In addition, GRSI, AGR, R.J. Corman, and Prewett Enterprises subsequently used the soil contaminated by the crude oil to rebuild the raised track bed and railway that was damaged as a result of the derailment. The contaminants in the raised track bed and railway continue to seep from the raised track bed and railway into and onto the Plaintiffs’ property and surrounding waterways, constituting an ongoing violation of the CWA. GRSI, AGR, R.J. Corman, and Prewett Enterprises, Inc. are in violation of an effluent standard and limitation of the CWA with respect to the ongoing unauthorized discharge of oil into navigable waterways.

We believe that this Notice of Intent to Sue letter sufficiently states grounds for filing suit. During the 60-day CWA notice period, Mr. and Mrs. Grayson will be willing to discuss effective remedies for the violations of the CWA noted in this letter.

If you wish to pursue such discussions in the absence of litigation of these issues, please initiate those discussions as soon as possible after receiving this notice so that a meeting can be arranged and settlement negotiations may be completed with respect to the CWA claims before the end of the notice period. We intend, at the end of the respective notice period or shortly thereafter, to amend our Complaint in the pending litigation to include Clean Water Act claims against GRSI, AGR, R.J. Corman, and Prewett Enterprises under the Clean Water Act. We do not intend to delay the amendment of our current pleadings if discussions are continuing when the respective notice periods end.

Respectfully,

A handwritten signature in black ink, appearing to read "Ann L. Reardon". The signature is fluid and cursive, with the first name "Ann" and last name "Reardon" clearly distinguishable.

Ann L. Reardon
Attorney for Rita and David Grayson

April 4, 2016

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cc: VIA CERTIFIED MAIL:

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Washington, DC 20460

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